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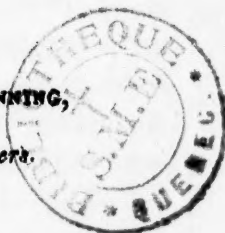
No.

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REPORT
OF
THE COMMISSIONERS
APPOINTED BY
JOINT RESOLUTIONS
OF THE
HONOURABLE THE SENATE AND ASSEMBLY
OF THE
STATE OF NEW-YORK,
OF THE 13TH AND 15TH OF MARCH, 1810,
TO EXPLORE
The Route of an Inland Navigation,
FROM
HUDSON'S RIVER
TO
LAKE ONTARIO AND LAKE ERIE.

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1811.



REPORT

THE COMMISSIONER OF THE GENERAL LAND OFFICE

TO THE SECRETARY OF STATE

IN RESPONSE TO A RESOLUTION OF THE HOUSE OF COMMONS

PASSED ON THE 11TH MARCH 1881

RELATIVE TO THE LANDS BELONGING TO THE CROWN

AND TO THE LANDS BELONGING TO THE SEVERAL STATES

IN THE COLONIES

AND TO THE LANDS BELONGING TO THE SEVERAL STATES

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REPORT, &c.

THE Commissioners appointed by joint resolutions of the honourable the Senate and Assembly of the State of New-York, of the 13th and 15th March, 1810, to explore the route of an Inland Navigation from Hudson's river to Lake Ontario and Lake Erie, beg leave to

REPORT :

THAT they have examined the country as critically as time and circumstances would permit, and caused surveys to be made for their better information. They beg leave to observe on the present navigation by the Mohawk river, Wood Creek, Oneida Lake, and the Oswego river, which extends from Schenectady to Lake Ontario, saving only a portage at the falls within twelve miles of Oswego, that experience has long since exploded in Europe, the idea of using the beds of rivers for internal navigation, where canals are practicable. The reasoning on that subject applies with greater force in America ; for in the navigation of rivers, reliance must be had prin-

cipally on the labour of men, whereas along canals, the force employed is generally that of horses ; but the labour of men is dearer, and the subsistence of horses cheaper in America than in Europe. Experience, moreover, has, in this country, declared against following the course of rivers, more decidedly than in the old world ; for there, notwithstanding the excellence of the high-ways, transportation is performed, between Rouen and Paris, for instance, in boats drawn up the river ; but along the Mohawk, though the road from Schenectady to Utica is far from being good, it is frequently preferred to the river. By the aid of canals, a good navigation, for boats, can unquestionably be made, from Schenectady to the falls in the Oswego river, twelve miles south of Lake Ontario. From Schenectady to the Hudson, and from the falls just mentioned to the Lake Ontario, a boat navigation is also practicable ; but whether it be adviseable, may deserve consideration.

A preliminary point to decide, is, whether by this route, vessels can be taken across of size and form to navigate with advantage Lake Ontario and Hudson's river ; such, for instance, as sloops and schooners of fifty or sixty tons. The Commissioners believe this to be impracticable, from the want of water at the summit level ; whether a sufficient supply, even for boats, can be obtained in a dry season, should the whole trade of the great Lakes be turned that way, is a matter wor-

thy of consideration. Admitting, however, that the boat navigation were completed to the falls in Oswego river, and a sufficient supply of water secured, it remains to inquire, whether it would be prudent to expend what may be needful on the navigation between those falls and the Lake. It will be seen by the report of the Surveyor, heretofore annexed, that in this distance there is a descent of little less than one hundred feet, and that the circumstances are peculiarly unfavourable; so much so, that an intelligent practical man (Mr. Weston) formerly pronounced it impossible. That word, however, when used on occasions of this sort, must be understood as standing in relation to the means which can prudently be applied to the end. In examining the amount of expenditure which prudence may justify, it is to be noted, that if the same boat which arrives at the upper end of the Falls, could, after reaching Oswego, proceed on her voyage, it might be worth while to calculate, whether the saving of time and expense in lading and unlading, would bear any rational proportion to the cost of completing that navigation; but that is not the case, and therefore it would be more adviseable, if the communication be deemed of sufficient importance, to construct a rail-way. This, according to the estimate of an intelligent and experienced man (Mr. Latrobe) annexed to Mr. Secretary Gallatin's report on canals and roads, would cost about ten thousand dollars per mile; and by the aid of it,

one horse could transport eight tons, supposing the angle of ascent not to exceed one degree. But an angle of one degree will ascend in a mile upwards of ninety-two feet, or nearly as much as the difference of level in the whole twelve miles; if then, two dollars be allowed for a horse, wagon, and driver's wages, with such return load as he can procure for his profit, and ten cents be allowed for the use of the rail-way, and if it be supposed that only five tons be taken instead of eight, the cost will be for each ton the twelve miles, forty-two cents, or three and a half cents per mile; at which rate, one hundred and forty miles, a greater distance than between Oswego and Lewistown, along Lake Ontario, would come to four dollars and ninety cents, being thirty-five cents less than the freight now paid.

A question, however, of more importance presents itself. Admitting that it were easy to complete a boat navigation from Rome to Lake Ontario, and more difficult and expensive, in comparison, to effect a canal navigation to Lake Erie, would it not be adviseable to descend into Lake Ontario, rather than encounter the difficulty and expense of the other course? The Commissioners believe it would not, and without relying, as they might, for support of their opinion, on the comparative expense of transportation, a topic which will find a better place elsewhere, it is sufficient to say here, that articles for exportation, when once afloat on Lake Ontario, will,

generally speaking, go to Montreal, unless our British neighbours are blind to their own interest, a charge which ought not lightly to be made against a commercial nation. Freight from Niagara to Oswego, will, from the difficult and dangerous access to that harbour, be as high as to the head of the rapids in the river St. Lawrence. The descent from thence to Montreal is less than the ascent from Oswego to Rome. It is true that the Lake Ontario is estimated at one hundred and ninety-six feet above tide water, and the Rome level only one hundred and eighty-four feet above the Lake, but there is a considerable descent in the river St. Lawrence, in a distance of about seventy miles to the lower end of the present sloop navigation, through which the current is sometimes strong. There is also a considerable descent from Montreal, in a distance of about thirty miles to tide water, in the Lake St. Peters. Perhaps it will be found that an average allowance of three inches per mile, in the whole upwards of twenty feet, is not too much, and that the river at Montreal is not one hundred and seventy feet below the upper surface of the Gallots' Rapids. In the distance of one hundred miles between these places, there are forty of still water, viz. about thirty in Lake St. Francis, between the foot of Long Saut and the head of the Coteau du Lac rapid, and upwards of ten in the Lake of the Two Mountains, between the foot of the cascade at the cedars, and the La Chine rapid. Thus there

will remain but sixty miles of canal, with an average fall of thirty four inches per mile. The land descends proportionately to the water, so that there can be but little deep cutting; the soil is easy to dig; there are no streams or ravines of any consequence to cross; and there is an inexhaustible supply of pure water, which never varies much in its height, for any canal whatever.

Under circumstances so propitious, it is probable that a good sloop navigation from above the Gallops to Montreal, would cost less than a good boat navigation from Oswego to Rome. The extent of this last, deducting the Oneida Lake, is fifty-six miles; the Fall is on an average near forty inches per mile; the supply of water is doubtful; and in twelve miles of the distance, obstacles almost insurmountable present themselves.

These are facts, to which it would be in vain for the citizens of the United States to shut their eyes. The eyes of a rich, enterprising, commercial rival are open: and when it is considered that (if the means of easy export be supplied to the inhabitants who may settle near the great lakes) that the country will, in no distant period, furnish a more abundant stock of commodities for foreign trade, than is now sent from all the Atlantic ports of the union, It would be absurd to doubt whether in the competition for that commerce, our neighbours will employ the means in their power. Nor must it be forgotten that the revenue, which, under present circumstances is

raised from commerce, and which no probable change will reduce below an advalorem duty of ten per cent. cannot but operate in favor of our rivals. True it is, that as far as regards the pecuniary benefit of those who may settle along the Lakes, the route by which their products are sent abroad, and their supplies of foreign articles introduced, must be to them a matter of little consequence. But the political connexion, which would probably result from a commercial connexion, certainly deserves the consideration of intelligent men.

The Commissioners have no doubt that the obstructions at the head of Oneida Lake may be removed, so as to lower the surface of that Lake, from eighteen inches to two feet, at no great expense, and with little, if any injury to the navigation; but they have not been able to satisfy themselves, that the lands contemplated in the petitions, which the joint resolutions refer to, would be in any wise affected by operations at the mouth of Oneida Lake. According to the information they have obtained, these lands are inundated by the waters of Butternut, Limestone, Chitinengo, and Canaseraga creeks, obstructed before their entrance into the Lake.

In respect to an Inland Navigation direct from Lake Erie to Hudson's river, the Commissioners beg leave to refer for information, to the annexed reports and maps of Mr. James Geddes, employed at their request by the Surveyor General. From

these it is evident, that such navigation is practicable. Whether the route he sketched out will hereafter be pursued, whether a better may not be found, and other questions subordinate to these, can only be resolved at a future time, when an intelligent man, regularly bred to this business, shall, under the direction of those on whom the public may think proper to devolve the superintendence, have made a more extensive and careful scrutiny, than the time and means of the Commissioners would permit. They conceive, however, that it may not be improper to say a few words on the topography of the country, which may be divided into three parts, nearly equal.

The Mohawk river, as is well known, runs in a deep ravine, and there is, generally speaking, along its banks, a vale of rich soil. In different places, however, spurs from the neighbouring hills project themselves to the edge of the river. On the north side fall in, sundry small streams, and two, the east and west Canada creeks, which are large and copious, especially the latter. They are both rapid, and run in deep ravines. On the right side, also, there are several tributary streams. The most considerable of these is the Schoharie, which, rising among the Catskill Mountains, has scooped out with its impetuous waters, a wide and deep ravine.

The stream next in importance, coming in from the south, is the Oriskany, which is essentially

valuable, because it enters the river not far from the summit level at Rome, and may perhaps become useful as a feeder. This forms the first eastern, or river division, in which, navigation, though defective, already exists.

In this division, with proper management, there will be no defect of water for a boat canal, unless, perhaps, in very dry seasons, at the summit level.

The second, middle, or Lake division, extends from the summit level, westward, to the outlet of the Canadarque Lake. In it lie four Lakes; the Otisco, Skeneateles, Owasco, and Canadarque, higher than any canal which may be extended from Lake Erie to the Hudson, and furnishing a copious supply of water. Of the two largest Lakes, the Seneca, increased by a stream from Crooked Lake, lies nearly on the same level with Rome, but the Cayuga much lower.

In this division, the turnpike road crosses high hills, but they all terminate not far north of it, leaving a large deep valley, upwards of eighty miles long, from east to west, and about twenty wide, from northwest to southeast. If, indeed, the Cayuga Lake, embosomed in a ravine which opens to the north on the valley, be considered as part of it, the breadth will be fifty miles. In this valley lie the Onandaga, Cross, and Oneida Lakes. It is bounded on the north by a dividing ridge of land, which stretches from near the Gerundegut bay eastwardly, to the neighbourhood of Rome, where it joins the dividing ridge, north of the

Mohawk, between the waters of the St. Lawrence, and those of the Hudson.

The third, western, or dry division, extends from the western boundary of the lake division to Lake Erie. In this, although the Genesee river runs through it, a want of water is already felt, and will daily become more sensible, as the country is cleared. The Genesee river itself is a torrent, which, however copious, or even superabundant it may be in the spring, is, in the autumn, almost dry. This tract of country, especially after passing the flats of the Genesee, may, with little violence to the propriety of language, be called a plain. And here it may be proper to notice, a peculiarity in the shape of the northern, and much of the western part of the state, which distinguishes it widely from the country lying southeast of the mountains. The descent from the dividing ridge, northward, is generally by a gradation of plains,* nearly horizontal. These, and the streams by which they are watered, have a similar, and, as it were, a simultaneous descent. Thus the rivers are but a kind of lakes, lying in plains, and communicating by falls and rapids, with each other. These gradations have sometimes a small rise, immedi-

* *Note.* The word plains might lead into error. It is therefore proper to state, that hills are scattered about, which vary the surface to the eye, but on examination it will be found, that, generally speaking, their bases are all on the same extended plain.

ately before the descent ; at other times, in ascending from one, we come immediately to the other. In no case is the peculiarity of shape more worthy of remark, than at the Cataract of Niagara. In coming from Lake Erie, where the sight cannot reach over the expanded surface, proceeding along the level bank of the Niagara river, to the head of the rapids immediately above the falls, and thence pursuing a northern course, the traveller ascends but thirty-eight feet, before he descends three hundred and forty-five, to the plain in which Lake Ontario is stretched out, from east to west, upwards of one hundred and sixty miles. The surface of Lake Erie is three hundred and twenty-nine feet above that of Lake Ontario, which being taken from the whole descent, just mentioned, leaves for the rise of land between those two great reservoirs, but sixteen feet. This rise, and others similar to it, are called by the inhabitants, the ridge, the ledge, the slope, and the hill. A more proper general appellation, perhaps, is the steep, though occasionally, by the elevation each way, it becomes truly a ridge, or from the horizontal strata of stone, as truly a ledge. In some places the descent is by a gentle slope, in others more precipitous, and in some, almost perpendicular. Two of these extend eastward, from the shore of Niagara river, nearly parallel to and distant from each other, about fourteen miles. The higher or southern steep commences at Black Rock, where the river issues

from Lake Erie. The northern commences at the Falls, and after an eastern course of fifty or sixty miles, bends towards and approaches the southern, after which they both take a southern direction for thirty miles, but return again on the east side of the Genesee ; or to speak more correctly, that river, after breaking through them by successive falls of sixty and ninety feet, thirty miles south of the high road in the township of Avon,* runs in a ravine to the northern part of that township; when the steeps again diverge, the southern stretching eastwardly to the west side of the Seneca Lake, and then southerly to the high grounds, from whence flow the waters of the Tioga ; while the other keeps an eastern direction to the hills, from whose southern declivities flow the Chenango and Unadilla. There is another steep still more north, which branches out from that last mentioned, near the eighteen mile run (a stream whose mouth is at that distance from that of the Niagara river) and diverging northward, is for some distance in its eastern progress, indistinct; it extends, however, to the lower falls of the Genesee, and is there crossed by that river, as also beyond it by streams which fall into the Gerundegut Bay, after which it becomes properly a ridge, and extends beyond the falls of Oswego River, as has been already mentioned.

* Formerly Hartford.

Of these three steeps, ledges, or ridges the most southern is distinguished by limestone mixed with flint, the middle by the same stone mixed with shells, and the most northern by freestone and slate. Over the southern steep, west of the Genesee River, falls Ellicot's brook and the Tonewanta, which enter Niagara River by the same mouth, opposite to Grand Island, also Allen's brook, which makes at its passage the Butter-milk falls, and runs to the Genesee. Over the middle steep, in the same division, falls the Oak-Orchard brook, which enters Lake Ontario about thirty miles east of Niagara river. The lower falls of this brook, as well as those of the Genesee, are over the northern steep.

The Canesus, the Hemlock, the Honeyoyo, the Canadarque, and the Crooked Lakes, lie south of the southern steep. The Seneca, the Owasco, the Skeneateles and Otisco Lakes, lie south of the Middle Steep; north of which lie the Cayuga, Onondaga, Oneida and Cross Lakes.

The Tonewanta falls over the southern steep twenty-five feet, and passing the village of the same name, runs in a level valley, of brown clay, upwards of twenty miles, to its mouth in Niagara river. From the Tonewanta Village, northeastward, in less than five miles, chiefly through a swamp, the Oak Orchard brook receives the waters of the swamp, and falls, as has been already mentioned, into Lake Ontario. The Tonewanta brook, three feet higher than the swamp, is sepa-

rated from it by ground whose elevation is not more than five feet, the distance is short of a mile, and the soil being clay, it will be easy, by turning its waters into Oak Orchard brook) to convert the Tonewanta from its mouth upwards into a canal. It has above eleven miles from its mouth a depth of twelve feet, interrupted, nevertheless, by five bars or shallows, composed of round stones buried in clay. During this space, the breadth is generally forty yards, though in the narrowest not more than thirty. The first shallow, about three miles from the mouth, is called Miller's ford, and is not above twelve yards wide; the next, about a mile beyond it, called House's shallow, extends east and west nearly one hundred and twenty yards, the depth of water from two and a half to three feet. Two miles further up is Christman's rapid, this extends east and west near two hundred and fifty yards, with a depth of from fifteen to eighteen inches. At this rapid the fall is three inches, except when a westerly wind brings up the water of Lake Erie. The breadth of the Tonewanta is here forty-eight yards, and no where below it less than forty.—The next bar, about a mile from the last, is called Van Slyke's shallow, it extends forty-two yards, the depth in the shoalest place, twenty inches, but in general from two to three feet.—The fifth and last bar, at eleven miles from the mouth of the creek, extends near one hundred and eighty yards, and has from one to two and a half feet of water.

To convert this water course into a canal twelve feet deep, during the whole distance of eleven miles, will require, at most, an excavation of eighty thousand cubic yards. The surface here is four inches higher than at the mouth, which is five feet lower than the surface of Lake Erie.— At about five miles and a quarter north from this place, in the middle steep, is the source of one branch of the eighteen mile brook, at a distance of about ten miles from Lake Ontario, and about three hundred feet above its surface; consequently near thirty feet below the surface of Lake Erie. The greatest elevation of ground is twenty-one feet above that surface; it is, however, on an average, for the space of three miles, twenty feet, and the remaining two miles and a quarter, about seven feet. For a more particular knowledge of the ground, reference must be had to the profile made by Mr. Geddes, and which is hereto annexed. It is self-evident, that the cost of excavation per cubic yard, must depend on the substance in which the excavation is made; it must depend also on some other circumstances. In deep cutting for instance, not only must there be wide cutting, to prevent the earth from falling in, but there will, generally speaking, be more labor, and consequently more expence in moving the earth after it is dug. It may become, therefore, in many cases, more adviseable to pierce the earth by a tunnel, than to take down the top of a hill. In the present instance, by means of wooden

rail ways, which may be constructed from the surrounding forests for a temporary purpose at trifling expense, the materials, when dug, may be made as it were to transport themselves along gentle declivities, to fill that part of the ravine through which the canal is to pass.

In the construction of canals, when recourse is had, as must generally be the case, to rivers for a supply of water, it is found necessary to guard with scrupulous care, and not unfrequently at enormous expense, against those floods, which pouring a torrent into a canal and tearing down its banks, might at once destroy the navigation and inundate the country. Moreover, it is found that canals, depending on rivers, frequently like the rivers themselves, want water in the season when it is most necessary. Indeed to suppose the quantity of water in a river, when turned into a canal will remain the same, would lead to serious disappointment; much must be allowed for evaporation, and notwithstanding the utmost care, more will filter through the sides and bottom of a canal than those of a river, which are generally saturated.

Thus then two prominent evils present themselves in feeding from rivers, viz. in spring they pour in too much water, and can afford none in autumn when it is most wanted. There is still another evil, which though not so imminent, becomes eventually of serious moment. When the country shall be cultivated, streams swollen by

showers, will bring down mixed with their waters, a proportion of mud, and that, in the stillness of a level canal, will subside and choak it up. It is also to be noted, by those who shall construct canals in this country, that the true character of a river cannot now be known. Large tracts, for instance west of the Genesee, which appear as swamps, and through which causeways of logs are laid for roads, will become dry fields, when no longer shaded, as at present, by forests impervious to the sun. In the progress of industry, swamps, the present reservoirs of permanent springs, that burst out on a lower surface, will be drained, whereby many of those springs will be dried. Of such as remain, a part will be used to irrigate inclined plains. Moreover, in every place tolerably convenient, ponds will be collected for mills and other machinery, from whose surface, as well as from that of the soil, the sun will exhale an ample tribute of vapour.

Thus the summer supply of rivers will be in part destroyed, and in part consumed, whereby their present autumnal penury must be impoverished; but in the spring, the careful husbandman and miller will open every ditch and sluice, to get rid of that water, which, though at other times a kind friend and faithful servant, is then a dangerous enemy and imperious master. Of course, much of what is now withheld for many days, will then be suddenly poured out. The torrents must, therefore, rage with greater fury hereafter, than they do in the present day.

Considerations like these, while they cast a shade over many contemplated enterprizes, give, by contrast, a glowing hue to that which we have now to consider. The canal from Lake Erie to the Hudson, may be fed by pure water from lakes, provided mounds and aqueducts be made over intervening vallies, or the canal be carried round them. In every case, the attending circumstances must decide. In general, also, it is only after a more accurate examination of the ground, by a skilful engineer, well practised in such business, that the best mode can be adopted, for the species of navigation which may be ultimately determined on, viz. whether for vessels which navigate Hudson's river and Lake Erie, or for barges of from twenty to sixty tons. If the passage were only of a few miles, the propriety of bringing vessels of eight feet draught of water across, if practicable, would be readily admitted; but it may well be questioned, whether to save the expense of lading and unlading at each end of a canal three hundred miles long, the expense of cutting two yards deeper than would otherwise be necessary, ought to be encountered.

It has generally been assumed, and perhaps too lightly admitted, that canals should be made on a perfect level. This axiom would not be questioned, if the transportation each way were of equal burden, if the distance or the frequency of good feeding streams were such as easily and constantly to supply, without danger of excess,

the incessant waste of water by absorption, leakage, and evaporation, and if the waters to be connected were on the same level; but in a case like the present, rational doubts may be entertained. The difference of level being upwards of five hundred feet, all the descent which can prudently be obtained by an inclined plane, is so much saved in the expense of lockage; and in all human probability, the transportation for centuries to come, will be of so much greater burden from the interior country than back from the sea, that a current from the lake is more to be desired than avoided, more especially as it will, in some degree, counteract the effect of frost. That inexhaustible stream of limpid water which flows out of Lake Erie, with little variation of height to endanger the canal, is a strong temptation to use it exclusively, until auxiliary supplies can be drawn from other reservoirs equally pure. Nor is it improper in this case to remark, that it is impossible there should ever be a considerable variation in the surface of Niagara River, at the mouth of Tonewanto. No supposable fall of rain or melting of snow, even if both were to take place at the same time, in the country which surrounds the great lakes, could raise, in any considerable degree, their extended surface. Indeed, we know from experience, that a greater difference of elevation at the mouth of Lake Erie, is occasioned by a change of wind, than by any variation of seasons. Admitting, however, a consi-

derable rise of water, no matter from what cause, at the source of Niagara river, it cannot suddenly, from the narrowness and shoalness of the channel, produce a correspondent rise at the foot of the Black Rock rapid; and the elevation there must, in the nature of things, exceed that which is occasioned by it fifteen miles lower down; especially as the river, including the two channels round Grand island, has, for the greater part of the way, nearly three times the breadth which it has above. If, however, it were only a deep bay, the water pressed forward by the wind, would be piled up to a considerable height; but, instead of that, the river here, with a breadth fully double to what it has at Black Rock, precipitates itself over the first ledge, in its headlong course to the cataract, so that an increase of height is instantly counteracted by the increased rapidity with which it rolls over the rock.

In all events, it would be advisable to use this water exclusively for a great part of the way, even if the country afforded other resources; and to this effect there must be some descent in the canal.

What the precise amount of that descent should be in every mile, the commissioners presume not to say. They do not pretend to sufficient knowledge on the subject, and with all proper deference, they refer it to a practical engineer.

Nevertheless, like other men possessed of common discernment, they perceive not only that the

quantity of water which runs in a given time, must be proportionate to the rapidity with which, and the aperture through which it passes, but also that the rapidity itself will depend, not merely on the declivity, but also on the mass, because, in a deep and wide channel, the friction must be less than in one that is narrow and shoal. It will depend also on another circumstance, whose effect, that single cause remaining the same, will vary according to such of the preceding circumstances as may be connected with it.

Admitting, for instance, a stream to be deep and wide in descending an inclined plane, its velocity will be accelerated. But if the inclination be not great, and the channel shoal and narrow, the friction may so counteract the descent as to retard the velocity. From these considerations it is evident, that the sum of descent must depend primarily on the quantity of water required. This in navigation ascending and descending by locks, must be greater than when carried along a plane. It must also be greater in a loose than in a stiff soil. Moreover, the quantum of descent required, must, after the needful supply of water is ascertained, depend on the length, the width, the depth, and finally on the course of the canal, whether direct or serpentine. And here the same common sense presents another important consideration. The amount of rapidity which may with safety be hazarded, will depend on the texture of the substance through which the current passes. No na-

vigable velocity can injure a rock of granite, but a gentle current will sweep off the substance of bog meadow. In like manner, banks which resist when the course is direct, may be eaten away, and the current itself be retarded, if propelled along a tortuous course. The commissioners cannot, therefore, too often repeat, that their report must be accepted as suggestions proceeding from a superficial view, and not as conclusions founded on sufficient and scientific investigation. After this preliminary caution, they assume hypothetically, that a canal were run in such manner as that the average descent were six inches in every mile. Whence, taking the surface of Lake Erie as the standard level, they have in gross the following results.

From Lake Erie to	Miles.	Descent.	Total descent.	Actual descent.
The mouth of Tanewanto	10	5	5 feet	5
" Genesee river, about	68	34	39	65
" Seneca Lake - - -	46	23	62	145
" Cayuga Lake - - -	6	3	65	195
" Rome Summit - - -	66	33	98	145
" Little falls of Mohawk	30	19	117	{ 203 $\frac{1}{2}$ 245 $\frac{1}{2}$
" Schoharie - - -	38	19	136	
" Height of land between Schenectady and Albany }	24	12	148	220
" Hudson River -	14	7	155	525
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Casting an eye on the Map it will be seen that the first difficulty in the above course will be to cross the Genesee, at an elevation of twenty-six feet above its surface. But unless the Canal be lowered down to that river, the expense of an aqueduct cannot be avoided, because from the upper falls, which are too high, there is little descent to the lower falls; and if, from any cause, it be advisable to cross it by an aqueduct, the addition of a few feet in the height will not much increase the expense. Indeed, considering the swell of the river in freshes, an elevation short of twenty feet would scarcely leave sufficient space under the arch. The next difficulty will be, in crossing the mouth of Seneca Lake by an aqueduct eighty three feet high; but this also, if a convenient place can be found, will not be important, because a moderate aperture will suffice to void the equable stream from that Lake.

The third difficulty is at the mouth of Cayuga, where the elevation is one hundred and thirty feet. Even this might be encountered without any unusual hardihood, if the hills approached each other, but the valley to be crossed is not much, if any thing, short of a mile; and to erect a mound of that length, and of the sufficient height and breadth, is an herculean labour. Whether it will be performed, must depend on the arm that undertakes this task, respecting which a few words may find their proper place hereafter. Supposing, however, that difficulty to be surmounted, it is

believed that none will remain, which cannot be in a considerable degree avoided, by bending occasionally to the southward, and returning round the northern points of the hills, till the canal is brought opposite to Rome. Its elevation there above the Mohawk, will be forty-seven feet, or less, by one foot for every two miles that it may be lengthened. The general face of the country here, leaves no room to doubt that convenient ground can be discovered south of Rome, at an elevation of forty feet above the Mohawk. How far it may be practicable between that place and the hills east of the Schoharie, must be decided by actual survey. The elevation, if not in other respects injurious, will be useful in passes that might otherwise necessitate a descent to the Mohawk. Thus at the Little Falls of that river, the canal, at an elevation of eighty feet above its upper surface, may, it is believed, be brought through or round the hill, at no enormous expense. The still greater elevation of one hundred and fifty feet at the Schoharie, will permit of a considerable bend to find some narrow gorge, and finally, an elevation of seventy feet above the height of ground, between Schenectady and Albany, will enable the engineer to choose for the course of his canal, and the position of the locks, the most suitable soil and convenient situations. In a word, if, on due examination, a thing of this sort should be found practicable, instead of depriving the country of water, every drop of which is need-

ed by its inhabitants, they will gain a great addition from the canal; and as to the navigation singly considered, there can be no doubt but it must in that way be superior to a waving course, ascending and descending by locks; for not to mention the expense of constructing and keeping them in repair, the time spent, and tolls paid in passing them, must considerably enhance the freight of goods. But if there be no lockage, and the toll be no more than is needful to keep the canal in repair, it will amount to so little, as not to merit notice in a calculation of freight. Rejecting it therefore, and allowing two horses and three men to take a boat of fifty tons burden twenty miles a day, which is certainly within bounds, and putting the whole expense at five dollars on the lading downward, leaving the return load as profit, or, which is equivalent to reducing the distance one half, we have fifty tons transported ten miles for five dollars, being one cent per ton, per mile; to speak then in round numbers, it will cost three dollars to bring a ton from Lake Erie to Hudson's river, being little more than one half of what is now paid for freight on Lake Ontario, between Oswego and Lewistown. Without entering into calculations, which every person can easily make for himself, to enumerate the bulky articles which will derive value from such facility of transportation, it may be proper in this place to recur again to the commercial competition with our British neighbours.

A tolerable good navigation up and down the St. Lawrence already exists, but the cheapest rate at which transportation has been performed within the last ten years between Kingston and Montreal, according to the best information the Commissioners have been able to obtain, is one dollar per hundred ascending and half as much descending the river. But admitting the freight could be so reduced as to be on a level with that between Albany and New-York, admitting also that the transportation across Lake Ontario could be performed as cheaply as through the proposed canal, and even admitting that the risk on that Lake, and of course the premium of insurance, were nothing, still it would follow, that transportation from the head of Lake Ontario to Montreal, would cost as much as from the mouth of Tanewanto to New-York, leaving a preference to the latter to the cost of land carriage from Chippeway to Queenstown. Moreover, nature has given, other things being equal, a decided preference to the port of New-York. There are, generally speaking, six weeks of navigation from Albany in the spring, before vessels can safely leave Montreal to descend the river St. Lawrence, and as many more in the autumn after the mouth of that river is closed. The navigation from New York is seldom obstructed, so that produce deposited there, can be sent to market during five months in which at Montreal it lies a dead weight on the hands of the owner. This circumstance is of especial im-

portance in regard to wheat and flour, which can be sent from New-York, so as to be sold in the south of Europe, before those articles can be brought from the Baltic, or gathered in the country. Whereas if shipped from Montreal in the month of May, they cannot reach Spain or Portugal until after supplies are received from Dantzic, and but a short time before the harvest, which is early in July.

Thus it is evident, that the canal will, if properly effected, turn to the United States the commerce of the upper Lakes. Moreover, a side cut of five or six miles, would, by means of locks, connect it with Lake Ontario in the harbour of the Genesee; and in like manner, a connection would be established with the Seneca and Cayuga Lakes, from the heads of which, the short portage by good roads to Newtown and to Oswego, opens a communication through the Susquehannah to the Chesapeake. Nor is it improbable, that by running upon the west side of the Cayuga, means may be found to establish water communication with the Susquehannah, from the great bend of which, a good and short road may be made to the Delaware.

Thus a variety of markets may be opened, to stimulate and reward the industry of those who are now, or may be hereafter, settled along the Great Lakes, whose shores, exclusive of Lake Superior, are upwards of two thousand miles, surrounded at a convenient distance by more than fifty million acres of land.

To the question, what will the proposed Canal cost, it is not possible to answer with any thing like precision. Indeed preliminary points are to be adjusted, and of these the first is, whether it is to be made for sloops or barges. The expense of the former will, it is believed, be at least double that of the latter. Another question, whether it is to be carried along an inclined plane, or by a line ascending and descending, must be decided by a comparison of the expense, and of the utility each way. In general, however, it may be satisfactory to the Honourable the Senate and Assembly, to receive the information, which the Commissioners feel no hesitation in giving, that as far as they have been able to extend their inquiry, there is no part of the civilized world, in which an object of such great magnitude can be compassed at so small an expense. Generally speaking, the course is through a tract of country, the excavation whereof will be easy, and there is at convenient distances from the spots where it may be wanted, a sufficiency of freestone as well as of limestone, with a superabundance of fuel. The subsistence of men also, and of cattle, will be abundant and cheap. The wages of the former are, as is well known high, but measures may certainly be devised, to obtain the labour for so great a public work, more cheaply, than is practicable in private operations, on a small scale. But the Commissioners beg leave to observe, that no supposable expense can bear an undue proportion

to the value of the work. Thus were it, by giving loose to fancy, extended to fifty millions of dollars, even that enormous sum, does not exceed half the value, of what, in all human probability, and at no distant period, will annually be carried along the Canal.

The more proper question perhaps is, in what time can it be effected? for if an annual sum be appropriated, and secured on a solid fund, it will be effected in time, and the greater the sum the shorter will be the period. The Commissioners have no doubt, but that good bargains for the public, may be made with those through whose land the Canal shall pass, and they have great pleasure in stating, that generous offers have already been made by many proprietors, the acceptance of which must necessarily be deferred to the moment, when the business assuming a more substantial form, shall be committed to superintendants duly authorized to treat. Enough has been said to show that no accurate estimate of the expense can as yet be made. To give some general notion, however, it may be assumed, that in common cases labourers ought to dig and remove to a reasonable distance, eight cubic yards per day. The excavation may therefore be set at the eighth of a dollar per cubic yard, an average breadth of fifteen yards, and depth of one yard, which by means of the mound on each side will be sufficient for four and a half to five feet of water, giving for each yard in length fifteen cubic

yards, may therefore be taken at two dollars, and the mile at three thousand five hundred and twenty dollars, but allowing for the obstructions of trees and roots, not less than four thousand dollars. This gives for three hundred miles, one million two hundred thousand dollars. The excavation needful, to bring a column of water fifteen yards wide, and two yards deep, with sufficient descent from the Tanewanto, through the middle steep, will, at the same rate, cost two hundred and fifty thousand dollars. Thus, to speak in round numbers, the Canal alone, might cost a million and a half, drawn through a favourable soil, lying conveniently, without the opposition of rocks or other impediments. Many of these, however must be expected, and will perhaps double that sum. Another great expense is that of locks and aqueducts. It is said that the former will cost at the rate of one thousand dollars per foot of ascent for a vessel of fifty tons ; this is believed to be a low estimate. At any rate, in a Canal like the present, there must be a double set, one for the ascending and one for the descending navigation. Even then it is to be feared that there will be much embarrassment and delay. Thus the lockage being taken at two thousand dollars per foot, for three hundred and forty feet of descent and ascent between lake Erie and Rome, will cost six hundred and eighty thousand dollars, should that waving course be deemed adviseable. From Rome to Hudson's River, a descent of three hun-

dred and eighty feet, will call for an addition of seven hundred and sixty thousand dollars. If then the locks be put at a million and a half, it is the lowest rate which can prudently be supposed. It would, indeed, be safer to set them at two millions. There will still remain for aqueducts, embankments and mounds, a considerable expenditure, which cannot at present be ascertained. To estimate the expense of aqueducts, it may be advisable to put the cubic yard of masonry at two dollars, and consider the aqueduct as a solid mass. It is true, that not more, perhaps, than one-third of the materials required for a solid mass will be used, but the workmanship on those materials will be much more costly; many of the stones must be hewn, and many clamped together with iron; moreover, the expense when such buildings are raised to a great height, is proportionately greater than when nearer the earth. An aqueduct over the Genesee may, perhaps, be one hundred and fifty yards long; but to avoid mistakes, it will be more adviseable to suppose two hundred. The height above mentioned is twenty-six feet; but as well to obviate mistakes, as for convenience of calculation, it may be taken at ten yards, and in order to preserve the full breadth of the canal, the aqueduct may be considered as twenty yards wide. Thus we have a result of forty thousand cubic yards of masonry, which, at two dollars, will require an expenditure of eighty thousand dollars. A remark which will not escape the

most cursory observer, is, that a single set of locks, to ascend and descend five and twenty feet, will cost fifty thousand dollars, at the lowest estimation; and on the system of level canals, the descent in this case is sixty five feet. Excepting the Genesee, no considerable aqueduct will be needful, because the streams from the lakes being equable, small arches may be turned over them, and the canal be carried along a mound of earth. The expense of such mound must depend on the convenience of obtaining materials. Where hills of sufficient elevation in the neighborhood, give the advantage of running along wooden rail ways, or where the transportation may be by boats along the canal itself, a mound will cost but little, compared to that which is raised solely by the labour of men and cattle. All estimates, therefore, which are not founded on exact local knowledge, must be vague and uncertain. Assuming, however, as a basis, the price of one dollar for eight cubic yards; to estimate the expense of a mound over the Cayuga Lake, one hundred and thirty feet high, and sixty feet wide on the top, with an inclination of five and forty degrees in the descent of the side, we have at the base, one hundred and ninety feet, giving a mean width of one hundred and twenty five, which, multiplied by the height, one hundred and thirty, is sixteen thousand two hundred and fifty feet, or in round numbers, one thousand eight hundred square yards. These, at the eighth of a dollar each, will cost for every cu-

bic yard of the mound in length, two hundred and twenty-five dollars. Allowing, therefore, two thousand yards instead of a mile, so as to compensate for the expense of an arch two hundred feet long, with a span of fifty feet over the stream, and for other contingencies, the whole cost might be four hundred and fifty thousand dollars, perhaps half a million.

Under the impression resulting from these observations, it is believed, that one million of dollars would provide for every thing of this sort, so as to bring the canal to a reservoir near Hudson's river, without locks, for four million of dollars. A descent there, of from three to four hundred feet by locks, would cost, perhaps, another million; or if it should be deemed more advisable to transport by rail ways, the water used for machinery, would probably yield a rent sufficient to keep the canal in repair.

But hitherto, this navigation has been contemplated no further than to the mouth of Tonawanta, in Niagara river; from thence to Lake Erie is ten miles, and the last mile, at the Black Rock rapid, is said to have, through part of a fall, which is, on the whole, four feet, a rapidity of near seven miles an hour; so that vessels descending below it, may wait a whole season, for wind sufficiently favourable and strong, to get up. This obstacle, though great, does not appear insurmountable. Perhaps two wharves, similar to those which surround our cities, made impervious to the water, and sunk parallel to each

other, during the distance of one mile, with two pair of gates similar to those of dry docks, placed so as that the upper one being shut, there shall be still water from below, and that the lower one shut, will make still water above, may fully answer the end. The cost, where wood and stone are so abundant, cannot be great; and as wood is not liable to rot under water, nor exposed in fresh water to the ravages of worms, the work may be sufficiently durable. On the whole, it is conceived, that the expense of this national work may be five millions of dollars; a sum which does not, it is presumed, exceed five per cent. of the value of the commodities, which, in less than a century, it will annually transport, should it be now commenced, so as duly to encourage population around the upper lakes.

The Commissioners hope they shall be excused, if, in this place, they advert to a question more important, perhaps, than any other. By whom shall the needful expense be supported? They take the liberty of entering their feeble protest against a grant to private persons or companies. Too great a national interest is at stake. It must not become the subject of a job, or a fund for speculation. Among many other objections, there is one insuperable: that it would defeat the contemplated cheapness of transportation. It should always, on occasions of this sort, be recollected, that the reasons adduced for grants to individuals in Europe, apply inversely here. Few of our tel-

low citizens have more money than they want ; and of the many who want, few find facility in obtaining it. But the public can readily, at a fair interest, command any reasonable sum. Moreover, such large expenditures can be more economically made under public authority, than by the care and vigilance of any company.

It remains, therefore, to determine, whether the canal should be at the cost of this state, or of the union. If the state were not bound by the federal band, with her sister states, she might fairly ask compensation from those who own the soil along the great lakes, for the permission to cut this canal at their expense. Or her statesmen might deem it still more advisable, to make the canal at her own expense, and take for the use of it a transit duty, raising or lowering the impost as circumstances might direct, for her own advantage. This might be the better course, if the state stood alone. But fortunately for the peace and happiness of all, this is not the case. We are connected by a bond, which, if the prayers of good men are favourably heard, will be indissoluble. It becomes proper, therefore, to resort for the solution of the present question to principles of distributive justice. That which presents itself is the trite adage, that those who participate in the benefit should contribute to the expense.

The Commissioners presume not to go one step further. The offers of individuals already alluded to, shew their conviction of that equity by

which the state is called on for her share. The wisdom as well as justice of the national Legislature, will, no doubt, lead to the exercise on their part, of prudent munificence ; but the proportion, the conditions, the compact, in short, must be the result of treaty. Whether the honorable Senate and Assembly will take steps towards a negotiation, and what these steps may be, it is in their wisdom to determine.

All which is humbly submitted,

GOVERNEUR MORRIS,
STEPHEN VAN RENSSELAER,
WILLIAM NORTH,
DE WITT CLINTON,
THOMAS EDDY,
PETER B. PORTER,
SIMEON DEWITT.

NEW-YORK, FEBRUARY, 1811.

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THE passage of the President's Message, which relates to the forcible occupation of West Florida, imperiously claims the attention of every American who has the honour and the welfare of his country at heart. The object of the writer of the following pages is to discuss the title to that territory, and to bare to open view the awful consequences likely to result from the measure recommended by the administration to our legislature.

Ancient Louisiana was dismembered by the 7th article of the definitive treaty of peace concluded at Paris in 1763, by which its limits were determined to be a line drawn in the middle of the Mississippi, from its source to the river Manshack or Iberville, and from thence by another line passing through the channel of said river, and that of the lakes Maurepas and Pontchartrain, to the sea or gulph of Mexico; and to this effect his Most Christian Majesty ceded and guaranteed all his rights and titles to the river and port of Mobile, with all he possessed on the left bank of the Missis-

issippi, to his Britannic Majesty, excepting New-Orleans and the island whereon it is situated, which remained to France, on condition that the navigation of said river, in all its extent, should remain free to the subjects of both nations. In the 19th article of the same treaty, Great Britain returned to Spain the city of Havanna and part of the island of Cuba, which she had acquired by conquest; and, by the 20th article, Spain, as an equivalent, ceded Florida, including the fortress of St. Augustine, the bay of Pensacola, and all it possessed on the continent of North America, east and south-east of the river Mississippi, transferring all her rights and sovereignty thereto to the king of Great Britain, who united these new-acquired territories, from France and Spain, under the title and denomination of East and West Florida, subdividing them accordingly into two separate provinces and governments.

By the treaty concluded in the year 1764, between Spain and France, the latter power voluntarily ceded to his Catholic Majesty the island and city of New-Orleans, and other territories thereunto appertaining, to the westward of the Mississippi, and contained in the province of Louisiana.

England retained possession of these provinces until the war, which broke out in 1779, between her and Spain, when West Florida was wrested from England by conquest, by the Spanish army under General Galvez, in 1780; and the possession of this province was confirmed, and East Florida ceded, by the treaty of peace of 1783, whereby England solemnly guaranteed

to Spain the absolute sovereignty and integrity of both provinces, extending as far as the left bank of the river Mississippi; and they have ever since remained under the dominion of Spain, without the least interruption, to the present moment.

When the independence of our country was proclaimed, to which Spain contributed not a little, with her land and naval forces, as well as her riches, our government proposed the demarcation of limits of frontiers; and, to prevent all disputes on the subject of the boundaries which separate the territories of the two nations, it was agreed, by the 2d article of the treaty of friendship, limits, and navigation, concluded in 1795, "That the southern boundary of the United States, which divides their territory from the Spanish colonies of *East and West Florida*, shall be designated by a line beginning on the river Mississippi, at the northernmost part of the 31st degree of latitude north of the equator, which from thence shall be drawn due east to the middle of the river Apalachicola or Catahouche, thence along the middle thereof to its junction with the Flint; thence straight to the head of St. Mary's river, and from thence down the middle thereof to the Atlantic ocean." And by the 4th article, "It is likewise agreed that the western boundaries of the United States, which separate them from the Spanish colony of Louisiana, are the middle of the channel or bed of the river Mississippi, from the northern boundary of the said states to the completion of the thirty-first degree of latitude north of the equator; and his Catholic Majesty has likewise

agreed that the navigation of the said river, in its whole breadth from its source to the ocean, shall be free only to his subjects and the citizens of the United States." So that the margin of land extending on the Gulph of Mexico, from the limits above designated, comprehending or including the island of New-Orleans, absolutely belonged to Spain, and the opposite sides of the aforesaid limits to the United States, as may be clearly seen by the map of Mr. Ellicot, the astronomer, authorised by our government for that purpose.

The deductions drawn from the above-mentioned treaties evidently prove, that that part of Louisiana east of the Mississippi, acquired by Spain by a voluntary cession of France in the year 1764, is nothing more nor less than the island and city of New-Orleans, because she had no other territory to dispose of on that side to France. Spain having thus ceded, by the treaty of 1800, to France, the province of Louisiana, in the same state she had received it in 1764, and France having ceded it by negociation to the United States (although unjustly, as, by a solemn convention*, separate from the treaty of

* The Spanish government, having remarked that no mention had been made, in the treaty of St. Ildephonso, that France should not dispose of Louisiana, without her consent, or without giving to Spain the preference in that case, exacted and obtained, by a separate article, from the French government, previous to the delivery of Louisiana, an obligation to that effect; and it was upon that solemn obligation that Charles IV grounded his protest against the cession of Louisiana to the United States, which protest, as I have observed, has not been hitherto published, owing to the preponder-

retrocession, France had bound herself not to cede it), it necessarily follows, that both the retrocession from Spain to France, and the cession from France to the United States, were absolutely confined to the island and city of New-Orleans. Therefore it follows, that the pretensions of the United States to that portion of the left margin of the river Mississippi from the 31st degree of north latitude to the river Iberville, where Spain possesses the settlements of Pollock and Allibamones, on the northern margin of the river Iberville and the lakes Maurepas and Pontchartrain, as well as to that part of the coast on the gulph of Mexico, which continues easterly to the western bank of the river Perdido, in which is contained Pearl river, the bay of St. Louis, river of Pascagola and Cedar river, and the bay and fortress of Mobila, are chimerical, because they were entirely separated from Louisiana by the cession made in the year 1763, and reunited to Spain by right of conquest in 1783.

Our administration pretends, that Great Britain, in the treaty of peace of 1783, ceded to Spain the territory of West Florida, as a compensation for the island of Cuba ; but this is an evident mistake, for it has been clearly demonstrated, that the cession of West Florida, and its territory on the margin of the Mississippi, was not ob-

ance of the French government in Spain. Besides this, one of the conditions of the treaty of St. Ildephonso was the erection of Etruria into a kingdom, and the guarantee of it to the infanta of Spain, Maria Louisa, and her heirs for ever ; but as France has not complied with this sacred engagement, of course the contract on the part of Spain has no binding, force, or efficacy.

tained by negotiation, but by right of conquest from the English.

The administration also supposes that, in the treaty of 1783, in which Great Britain ceded to Spain the Floridas and the tract of land from Rio Perdido to Ibberville, a division ought to be made, giving back to France this last-mentioned tract, which formerly belonged to Louisiana. It is not easy to ascertain by what rule this should be granted, as this territory certainly was not then a component part of Louisiana, having already changed masters twice under the name of West Florida.

They add that the treaty of St. Ildephonso ought to have placed France and Spain *in statu quo*; but as the treaty does not say so, from whence does the President draw his conclusion? Were we to admit such arguments, might not Spain have claimed a right to the states of Kentucky, Tennessee, and Ohio, which, in other times, formed part of Louisiana*? and at present would they not claim, as masters of East Florida†, the state of Georgia, and others which form part of the union, and which, in other days, were attached to, and known

* See the History of Louisiana, by Mr. Le Page du Pratz, Book 2, page 119, chapter 1st, respecting "the geographical description of Louisiana;" and page 304, chapter 2d, for an account of the several Indian nations in Louisiana, the first section of which treats "of the nations inhabiting on the east side of the Mississippi."

† The continent of North America, from the river Panuco, in Mexico, following the sea coast to the confines of Canada and Newfoundland, was called Florida. See the History of Florida, by the Inca Garcilaso de la Vega, in 4 vols. 12mo.

under the name of *Floridas*? But this method of reasoning is too ridiculous to deserve further consideration.

The celebrated astronomer and geographer Ellicot, appointed one of the commissioners of the government to run these limits, in his journal, alluding to the sale of Louisiana, and under date of the 10th July, 1803, makes use of the following expressions.

“It does not appear, by the cession of Louisiana to the United States, that we obtain the whole of both sides of the Mississippi; for, by consulting No. 5 of the maps, it will be seen, that the island of Orleans, which lies on the east side of the Mississippi, only extends north to Manshaek; from thence northerly along the east side of the river to the southern boundary of the United States, is still held by his Catholic Majesty, *as a part of West Florida*.” And further he adds: “The important and safe harbours *in both the Floridas* still remain in the possession of his Catholic Majesty.”

These expressions confirm, in the most authentic and incontrovertible manner, the right of his Catholic Majesty to all the territories to the eastward of the Mississippi, within the boundary line commencing from the 31st degree of north latitude, excepting the isle of New-Orleans.

Not the least doubt can be entertained, even by the most biassed minds, of the veracity and authenticity of the assertions of a learned astronomer, appointed by the government of the United States for the demarcation of limits. The question in controversy is, whether the territory east of the Mississippi, at the time of the retro-

cession of Louisiana to France, was *West Florida* or *Louisiana*. Who can decide with more propriety on this point than an astronomer and geographer, who had the confidence of the United States in the demarcation of the limits of the very province now under consideration?

It would not be doing justice to his talents to suppose he did not consult all the ancient and modern maps of said territory, and other authentic documents relative thereto, and to doubt an assertion on his part of the incontrovertible rights of Spain to the *whole of the province of West Florida*.

I now proceed to test the title to West Florida by the understanding of the parties to the original contract. If Spain *denies that she sold it*, and if France *denies that she bought it*, or *that she disposed of it to the United States*, no intelligent person will justify the violent step which Mr. Madison has taken. The United States, who have succeeded to the rights of France by the purchase of Louisiana, never can acquire a greater right or title than that which France claimed and obtained from Spain. France is convinced, that by the treaty of retrocession of Louisiana *she has not acquired any right whatever to any part of West Florida*. Mr. Laussat, the French prefect, charged by his government with the execution of the treaty, and of course possessing a complete knowledge of the intentions of his government, was perfectly satisfied with the manner in which Louisiana was delivered to him, and *he never required possession of any part of West Florida*. This

is so notorious a fact, that it leaves not the least doubt respecting the interpretation France gave to the stipulation of the treaty of St. Ildephonso. Indeed the fact asserted by Mr. Madison, that this territory has always remained in the possession of Spain, operates directly against his pretensions, since the Spanish commissioners actually delivered possession of Louisiana to Laussat, the commissioner on the part of the French, and he the same, and only the same, to the United States.

But, nevertheless, should these facts not be deemed sufficient, let me be permitted to insert the most positive proof imaginable of the assurance given by France to the Spanish government, that she never had the intention of acquiring any territory east of the river Mississippi by the treaty of St. Ildephonso (saving the island and city of New-Orleans), and that she never had or could cede any such territory to the United States by the treaty of Paris.

The minister of foreign relations at Paris, Mr. de Talleyrand, in a letter to Mr. Gravina, Spanish ambassador at the court of France, under date of the 12th Fructidor, 12th year, writes thus :

“ Mr. Ambassador,

“ I have received the letters and the memoir you have done me the honour to address to me, respecting the points in discussion betwixt Spain and the United States, in relation to the limits of Louisiana, and the jealousy of your court at the projects of aggrandizement, which you ascribe to the federal government. The intention of

his Imperial Majesty being to assure, by every amicable means, harmony and good understanding between two powers who have so great an interest to remain united, I lost no time in calling the attention of his Imperial Majesty's minister plenipotentiary near the United States to the different questions you had presented; and I have recommended to him to take every step proper to divert the federal government from every project of aggression against the dominions of his Catholic Majesty that do not form part of the cession of Louisiana.

"The treaties of cession of that colony are in the hands of his Imperial Majesty's minister plenipotentiary; and the explanations which I have added thereto, leave to that minister no doubt respecting the territorial boundaries which this cession comprehends.

"The eastern limits of Louisiana are described by the course of the Mississippi, and afterwards by the river Ibberville, lake Pontchartrain, and lake Maurepas. It is this line of demarcation that terminates the territory ceded by Spain to France in virtue of the treaty of the 30th Ventose, 9th year. France would not have demanded of Spain any thing beyond those limits; and as France is only substituted to the rights she had acquired from Spain, the United States cannot exact from Spain a more extensive cession of territory, unless under some negotiation and stipulation betwixt the two powers, by some ulterior convention.

"I hope, sir, that the explanations which I have entered into, may tend to do away the differences between your government and the United States, on the points

in discussion; points which, being placed in their true light, and with intentions mutually amicable, may be considerably simplified, and upon which his Imperial Majesty will see with great satisfaction that the two governments come to a good understanding.

"Accept, Mr. Ambassador, the assurances of my high consideration.

(Signed) "CH. MAU. TALLEYRAND.

"*His Excellency Admiral Gravina, his Catholic Majesty's Ambassador.*"

The expressions of this letter are so very clear, positive, and terminating, that it is impossible for the most incredulous or prejudiced mind not to be convinced, that if Spain *never intended to cede, or France expected to acquire West Florida* by the treaty of St. Ildephonso, it is evident that the United States, who have succeeded to the rights of France, cannot have acquired rights which that country positively asserts do not belong to her, *which she has not acquired, and never had the least idea of acquiring.*

In a letter of the 8th Thermidor, of the 12th year, the above-mentioned minister of foreign relations, Mr. Talleyrand, confirms, in the following note, the sentiments of his Imperial Majesty to the Spanish ambassador then in Paris, and assures him that he has communicated them also to the minister of the United States.

*" Bourbon L'Archambault, 8th Thermidor, 12th year
(27th July, 1804.)*

" Mr. Ambassador, I laid before his Imperial Majesty, as it was my duty, the note you did me the honour of addressing to me, under date of the 24th July, relative to a discussion which has arisen between the court of Spain and the government of the United States. I shall also, without delay, submit to his consideration and inspection the explanations which your excellency says you mean to give me verbally and in writing on that occurrence, which appears to you to threaten the friendly intercourse existing between the United States and your court. Although the assurance of your excellency, that I shall be furnished with a fuller disclosure and explanation, ought to induce me to suspend my opinion, yet I think I may venture in anticipation to say, that his Imperial Majesty cannot but feel extremely concerned at the uncertain and disagreeable position in which this incipient misunderstanding places two states, who are both the friends of France, and that he will do all in his power to prevent in time a disastrous issue.

" For several months past I have been kept informed by our *charge d'affaires* near the federal government, of the pretensions of that government to a part of the territory of Florida, which, for fiscal reasons, and with a view to establish their system of customs, has become a great object of ambition for the Americans; and it

has appeared to me, from these accounts, that the federal government meant to employ every means in its power to obtain the cession of this portion of territory with Louisiana; but the high sense which should be entertained of that justice and moderation which characterize the President of the United States personally, has not permitted me, and does not now permit me, to think, that he has put threats, provocation, and a war without pretext, in the foremost rank of the means which are to be employed for the acquirement of a portion of foreign territory, which it may be convenient for the United States to possess.

“ With regard to the second object of discussion, which your excellency does me the honour to communicate to me in your note, I have to say, that I had no previous knowledge whatever of it; and, in fact, had I known that his Catholic Majesty’s ministers had carried their *condescension* to the government of the United States so far as to stipulate to indemnify the latter for certain violations pretended to have been made by France, I should undoubtedly have received an immediate order, in a case where so little deference appeared to be paid to my government, to express her displeasure at the conduct of Spain on that occasion; nor should the United States have escaped her animadversion. There is every reason to believe, that it was by thus yielding to an unreasonable demand, that the court of Spain emboldened and determined the American government to become urgent, and even to resort to threats in the present instance. Be that as it may, you

may infer, from the former explanations which have been given to your court on this subject, and those which I have been authorized to cause to be made to the government of the United States, through his Imperial Majesty's *charge d'affaires*, what opinion his Majesty has formed on this question, which, having already been the object of a long negociation, and of a formal convention betwixt France and the United States, can no longer be a subject of a new discussion.

"Such, Mr. Ambassador, are the observations which I have deemed it proper to make in answer to the preliminary note of your excellency. I have to add thereto, that the causes which appeared to me to have alarmed your government, whose uneasiness you are desired to make known, are somewhat exaggerated, perhaps from the impression they may have made at Madrid, or perhaps from too wide and enlarged an interpretation, by the minister of the United States, of the instructions he had received from his government. There is no reason to think, that a government, which, like that of the United States, is anxious to establish a character for wisdom and moderation, should determine at once upon an unjust war of ambition; but as the United States set a great value on the acquirement of a part of Florida which suits their purposes, there can be no doubt but that they will use every effort to acquire it. This discussion is therefore reduced to a single point. Perhaps the federal government may have thought, that a diplomatic quarrel would be of advantage in producing a negociation of exchange. Under

these circumstances, the wisdom of his Catholic Majesty will certainly suggest to him what should be done to determine a dispute, which I am satisfied will never be at rest, until the respective positions of Louisiana and the Floridas shall have undergone an alteration. But upon this point it is for his Catholic Majesty to decide according to his own judgment. *The United States have no right of claim against him.* They were positively informed, that Louisiana *was delivered to them such as it had been acquired by France*, and not more extensive, which declaration shall be renewed as often and as positively as his Catholic Majesty shall request.

“ I beg your excellency to accept the assurance of my highest consideration.

(Signed) “ CH. MAU. TALLEYRAND.

“ *His Excellency Admiral Gravina, his Catholic Majesty's Ambassador.*”

Thus then it is in full proof, that *Spain denied she had ceded*, and that *France denied she had bought West Florida, or disposed of it to the United States.* With such a cause, however, we attempt to impose upon the public understanding, and to justify the violent step which Mr. Madison has taken !

Having demonstrated the illegality of our claim to that part of the territory of West Florida, which lies between the Mississippi and Rio Perdido, I will now suppose, for argument's sake, the title to be doubtful ; and, in that supposition, I will ask if the attack upon

the *possession* of Spain be not equally condemned by the law of nations? Does not that law prescribe a resort to friendly negotiation before the appeal to arms? In our daily intercourse with the Indian tribes, we observe this golden rule; and why seize and invest, in the first instance, the territory of a generous nation, while she is gloriously struggling for her religion, her laws, and her independence against a foreign yoke? What crime has Spain committed, or what motive has she given us for the last three years for such a conduct on our part? She officially announced to us the abdication of Charles IV, by a letter signed with his own hand; the accession of his eldest son Ferdinand VII, who had been sworn and acknowledged from his infancy as the lawful heir to the crown, by the deputies of the Cortes, in case either of the death or abdication of his father. Spain has sent us a minister, in whom she placed her confidence, with the most ample powers, not only to settle the limits of Louisiana, but also to exchange, cede, sell, or purchase such part, or parts, of territories which may answer the convenience of either of the two powers; to adjust all the claims pending for losses sustained by our merchants, which amount to many millions, and to offer us, in the whole extent of his dominions in both hemispheres, a source of commerce, more valuable and sure for us than the mines of Mexico or Peru. It is a proof of the sincerity of her desires and of the consideration and respect she entertained towards our government. The Spanish embassy to the United States was declared next in rank to

that of Great Britain, and first in precedence to that of every other nation; she delivered to us 14 vessels richly loaded, which had been confiscated in the reign of Charles IV, by order of Bonaparte; she diminished the quarantine on our vessels, to facilitate provisionally our commerce, until she established a still more favourable and general regulation, for which purpose she has actually ordered her minister in the United States to collect and send forward every ordinance or law on the subject existing in the union.

But we are told that the territory was in the possession of the Conventionalists. Flimsy apology indeed! It shall be the task of the writer, at a future day, to consider the machinery by which the agitation in West Florida has been produced, and to examine who it was that sowed the seeds of that disturbance. Sufficient for my present purpose it is to observe, that it was for Spain to punish her own rebels; she, who has been the first to stop the progress of the supposed conqueror of the world, shall we be told by Madison that she is not in a situation to defend *herself* against a handful of miserable adventurers, who have emigrated from the United States to disturb the tranquillity of the honest inhabitants of West Florida?

Let us remember that Bonaparte, from the beginning of his political career, has sought to deceive every nation, and that it is not in his nature to pursue a different conduct towards us. We have an instance in the confiscation of our vessels, in every country under his influence; we have it in his own words, that he does not

wish a single republic to exist, as well as in his proposition to England for the dismemberment of this country. The forcible occupation of a part of the territory of West Florida is also a measure of this treacherous friend, replete with incalculable dangers to the United States. The kingdom of Mexico is equal in population to the United States; it exceeds it in resources of every kind; and a war with her may be attended with serious consequences.

It remains for me to expose to view the awful consequences likely to result from this rash, unwarranted, and ill-fated measure. It is notorious with what caution and solicitude, and at what immense sacrifices we have been trying, since the earliest days of Mr. Jefferson's administration to the present hour, to avoid a rupture with France. Hence the occupation of West Florida, though ever a favourite object with our administration, was so long abandoned: negotiation after negotiation was set on foot; but the uniform answer we received was, that France would take part with Spain if we attempted to invest West Florida. Thus years elapsed, and West Florida remained quietly governed by the laws of Spain. But at length, "among the events growing out of the state of the Spanish monarchy, a new prospect arose with respect to this country, so long abandoned." And what was that change? Bonaparte's prospect of the conquest of Spain became daily more uncertain; at all events her colonies were beyond his reach; and England was in the actual enjoyment of extensive advantages from them. It is therefore a fair inference, that

West Florida has not been seized against the will of Bonaparte. But I go a step farther. If the true Spanish government oppose us, then we are fairly at war with *his* enemy, old Spain. Nor will the mischief stop here. We are also, in all probability, at war with his enemy Great Britain; for who can suppose that Great Britain will be an idle spectator of the dismemberment of the colonies of her ally, more especially if, as it is believed, she has avowed her determination to preserve the rights of old Spain over her colonies undiminished, during the present contest between Spain and France? Thus, then, we become an instrument of Bonaparte's aggrandizement; and if so, am I not warranted in another more important inference, viz. that the seizure of Florida was not only with the consent of Bonaparte, but at his special instance? Here then let me pause. Shall we, for the sake of his gilded pill, his poisoned boon, suffer ourselves to be brought into a collision with England? or is it consistent with our pacific professions to afford Great Britain such a cause for declaring war against us? While Bonaparte was the ally of Spain, we did not dare to assert our rights to West Florida in arms; now the question is reversed, Great Britain is the ally of Spain, and we fly to arms to seize and invest that territory! Why so opposite a conduct on the part of our administration? Is this our boasted impartiality?

It is the sincere wish of *Verus* that our administration do retrace its steps, and return to a friendly negociation. Whatever be the fate of the peninsula, Spanish America never will belong to Napoleon; for he himself now in-

vites them to become independent, and they, in all situations, and under all circumstances, will consider as valid and binding any agreement that may be made with the legitimate government in regard to West Florida.

VERUS.

ERRATUM.

Page 17, line 20, insert *Mr.* before *Madison*.

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